The Lake County Planning Commission sat in session at 6:00 p.m. on this date and conducted hearings & other business.

Members Present: Chair Joe Skala, James Weinzierl, and Commissioner Rich Sve, Vice Chair John Bathke, Simbre Fosness, Mike Hoops, and Jim Linscheid.

Members Absent: Mabel Tarlton and Jeremy Hurd.

Zoning Staff Present: Christine McCarthy (Environmental Services Director), Neva Maxwell (Environmental Services Professional), Jill Paron (Environmental Services Specialist)

Joe Skala called the meeting to order at 6:00 P.M.

The first hearing, I-18-005, was a conditional use application filed by Daniel Schutte which if approved, would allow a native plant nursery and 2 greenhouses on property described as: S ½ of N ½ of NE ¼ of SE ¼ and the S ½ of the N ½ of the NW ¼ of the SE ¼ in Section 3, Township 52, Range 11, 20.00 acres, zoned R-3/Residential District, 2.5-acre minimum, Unorganized territory # 2.

Skala introduced the application. Christine McCarthy summarized the staff report and shared that there was one comment in favor of the application.

Daniel Schutte explained the history of their native plant growing hobby. He now wants to officially become a business. There are no plans for on-site retail sales. He collects seed and grows native plants for off-site planting and for sale at local farmer’s markets. It is a quiet operation with a water pump being the only machinery. He has spoken to his neighbors about his plans and they have been supportive.

Linscheid asked how the pump is powered. He also asked about whether a new CUP would be needed if he decided to do onsite sales. Schutte stated the pump is electric. McCarthy explained changing to onsite sales would be considered intensifying. Schutte is not interested in onsite retail sales, and would come back to the Planning Commission if those plans changed. There was general discussion about a sign Schutte had applied for. He believes the permit has expired and may not want to put the sign up.

Sve asked about his water source. Schutte draws from a neighbor’s pond. There was also discussion about his seed collecting practices and use of herbicides and pesticides. Schutte collects seed by hand and is knowledgeable about invasive species. He sorts seeds by hand and collects only native, non-aggressive plants, so there is very little possibility of invasives getting into his plantings. He does not use herbicides or pesticides. He is certified by the State of Minnesota Department of Agriculture in the water quality certification program. He does use some fertilizer.

Schutte asked about the process if he would decide to expand his operation. It was decided he could add on to an existing greenhouse without a new CUP, but would have to have a land use permit, which could be handled administratively.

Motion by Bathke supported by Sve to approve the conditional use application as submitted with the following findings and conditions:

Findings:
1. Safe access exists from Shoreview Road and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation and has gentle slopes.
4. The property is non-shoreland and no impacts to wetlands should occur from this activity.
5. The property has a compliant septic and well.
6. The proposed use should have little impact on neighboring properties. The proposed use should not be detrimental to neighboring properties at the proposed scale of activity.
7. The proposed use is allowed under county guidelines.

Conditions:
Allow for administrative adjustment to
expand the size of an existing greenhouse, should the need arise, with a Land Use Permit, at the Administrator's discretion.

Motion passed by unanimous vote (PCR-18-011).

The second hearing, I-18-007 was an (initial) interim use application, filed by Thomas Berscheid and Tracy Erickson which if approved, would allow for the operation of a vacation rental on property described Outlot 12-13-14-15-16-17 & 18 of Auditor’s Plat 7 in Section 21, Township 53, Range 10, 3.23 acres, zoned R-4/Residential, two-acre minimum, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report and stated there was no correspondence.

Erickson explained their plan is to rent the main house. There are 2 cabins on site, but they are not very habitable. Bathke asked about property boundary marking. Erickson said there was a no trespassing sign at the beach. Hoops asked about who would be the manager of the property. Erickson stated they want to have someone local. She hopes to have Larry Rasmussen be the emergency contact.

Sve asked about garbage disposal. Erickson explained they would like someone who would do cleaning and caretaking, but also check in when guests are there to make sure there aren’t any problems. Sve also asked about safety and the ledge on the property. Erickson said railings are in place.

Skala opened the meeting to comments. Neighbors Brian Peterson and Glenda Clausen spoke against the application. They believe there was an agreement that this property could not revert to rentals after the Gray Gull closed. He said their house is very close to the property line and he does not want strangers so close to his house. Clausen also expressed her opinion that this is not a residential use. Skala explained anyone can rent their house out for longer than 30 days without a permit, but a rental shorter than that requires the Interim Use Permit. McCarthy explained the permitting process only allows a year initially so that any problems during that first year can be addressed.

Erickson also explained that she plans on renting through her own personal contacts rather than through a rental website.

There was general discussion about concerns over the property boundary. Maxwell explained that with around 40 Vacation Rental Homes in Lake County, complaints are rarely made. Maxwell advised Erickson to use the garage as the property boundary to allow a buffer between the property and the neighboring house. Erickson was agreeable to that.

Sve asked if this is a property that has been denied a permit in the past. Maxwell explained that our current system for variances, conditional uses, and interim uses is filed by owner. If a previous owner was denied a permit for this property it would be difficult to cross-reference.

Motion by Hoops supported by Fosness to recommend to the County Board approval of the interim use application for one (1) year with the following findings:

Findings:
1. A MN Department of Health license must be obtained and maintained.
2. Minimum vacation home rental requirements must be met (Section 6.16 of Lake County’s Land Use Ordinance).
3. Safe access from Hwy 61 and off-street parking exists.
4. The lot meets impervious surface requirements
5. The property is well vegetated with current exposed soils for landscaping purposes.
6. There will be no impact to public waters or wetlands form the proposed activities.
7. The septic passed a compliance inspection on 9/14/15 for 3 bedrooms.
8. Rental activities should have no impact on site conditions.
9. Vacation rentals have not proven to be a harmful use throughout the county. Normal rental activities should not diminish values or restrict nearby lot owner activities.

Conditions:
1. Quiet hours from 10 PM to 7 AM
2. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
3. No discharge of firearms on the property.
4. All outdoor fires must be limited to use at a
designated fire ring.
5. Maximum occupancy of 4 guests.
6. No rental of the 2 guest dwelling cabins.
7. Exposed soils must be stabilized (seeded/mulched) by July 1st, 2018.
8. Property lines must be marked and guests may not trespass on adjoining properties. The garage will serve as the property line to the East.
9. The septic system must be evaluated by a MN licensed designer to confirm the design capacity is adequate for the house and 2 cabins.

Motion passed by unanimous vote (PCR-18-012).

The third hearing, I-18-008, was a (renewal) interim use application filed by David and Sarah Schwietz which if approved, would allow a vacation rental home on the property described as: That part of Govt. Lot 1 lying SLY of U.S. 61 and Ely of Silver Creek as they existed 11-21-66 in Section 21, Township 53, Range 10, 2 acres, zoned R-4/Residential, two-acre minimum, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report and there was no correspondence. McCarthy stated she would support a maximum guest capacity of 8, as that is the capacity of the septic system.

Schwietz said business is going well with many repeat families. Fosness asked where his renters are from. He said over 50% are repeat families. Cascade Rentals has handled reservations in the past and they are now using VRBO. Skala asked about the septic compliance inspection. Schwietz is aware that they need one once the ground thaws.

Skala opened the meeting to comments. There were none.

Bathke asked about their emergency contact. Schwietz uses his cleaning service as contact. Skala asked about posting quiet hours. Schwietz said he will add those.

Motion by Weinzierl supported by Linscheid to recommend to the County Board approval to renew the interim use application for five (5) years with the following findings & conditions:

Findings:

1. A MN Department of Health license must be obtained and maintained.
2. Minimum vacation home rental requirements must be met (Section 6.16 of Lake County’s Land Use Ordinance).
3. Safe access from Hwy 61 and off-street parking exists.
4. The lot meets current stormwater standards.
5. The property is well vegetated.
6. There will be no impact on public waters or wetlands from the proposed activity.
7. Utilities and infrastructure are established and the septic system passed a compliance inspection on 6/15/12 for 3 bedrooms.
8. Vacation rentals have not proven to be a harmful use throughout the county. Normal rental activities should not diminish values or restrict nearby lot owner activities.

Conditions:
1. Quiet Hours from 10 PM to 7AM.
2. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
3. No discharge of firearms on the property.
4. All outdoor fires must be in a designated fire ring.
5. Occupancy maximum 8 guests.
7. Property lines must be marked and guests may not trespass on adjoining properties.

Motion passed by unanimous vote (PCR-18-013).

Motion by Sve supported by Hoops to approve the March 19, 2018 minutes as submitted. Motion passed by unanimous vote.

The fourth hearing, C-18-006, was a conditional use application filed by Steve and Jennifer Tucker which if approved, would allow chickens in the R-3 zoning district on the property described as E ¼ of E ½ of SW ¼ in Section 4, Township 52, Range 11, 20.00 acres, zoned R-3/Residential, 2.5-acre limit and R-2/Residential, 5-acre minimum, Unorganized Territory 2.

Skala introduced the application. McCarthy summarized the staff report and stated there was no correspondence for this application.
Steve Tucker explained they bought 2 10-acre parcels and combined them into one parcel. The back ten acres is zoned R-2, the front ten, which is better suited for chickens is zoned R-3. He further explained that using the front 10-acres also keeps the chickens further away from the Knife River.

Skala asked about numbers of chickens. Tucker said the plan is to start with 60 and maybe go up to 200. They have 2 chicken tractors that hold up to 30 chickens each.

Maxwell explained that zoning allows for farming, excluding commercial livestock in R-2 and farming, excluding livestock in R-3. Commercial livestock is prohibited in both R-3 and R-2.

Linscheid asked about overwintering and roosters. Tucker explained they will be raising meat chickens, so they are not overwintered, and roosters would be harvested before they begin to crow. Linscheid stated he would like to see that added as a condition.

Fosness asked how many chickens are allowed. Maxwell explained livestock are counted by weight. Tucker explained how the chicken tractor method works. He has 2-6 by 10-foot tractor-pulled coops which are moved daily. This keeps the chicken manure spread out so that it doesn’t run-off or accumulate.

Fosness asked about the process if he wanted to become commercial. McCarthy explained this is something that needs to be discussed in the upcoming Comprehensive Plan revision, as far as defining commercial agriculture and what types of commercial agriculture is okay and what is the ordinance trying to avoid; such as combines, herbicides, pesticides. Maxwell went on to explain that commercial agriculture is prohibited in R-3 and R-2, and prohibited uses cannot be brought to a hearing. She also explained that this application meets the requirements of being 200 feet from a dwelling, other that the owner, and being on a minimum of 2½ acres, which is currently much more restrictive than many urban ordinances regarding chickens. Numbers are addressed under the feedlot definition which states numbers may not exceed 30 animal units (1000 lbs = 1 unit), nor in any case, more than 200 animals without a Conditional Use Permit.

Sve asked about butchering and disposal. Tucker explained the chickens will be taken to a processing plant for butchering.

Motion by Linscheid supported by Bathke to approve the conditional use application as submitted with the following findings and conditions:

Findings:
1. Safe access from Stanley Road and off-street parking exists.
2. The lot meets current stormwater standards.
3. The property is wooded with natural vegetation and has gentle slopes.
4. The proposed use will allow poultry to be placed further from public waters than without this approval.
5. The property has a septic system with valid Certificate of Compliance issues this month.
6. A vegetative buffer exists around this lot.
7. Homesteading and raising livestock is consistent with the spirit and intent of the ordinance.

Conditions:
1. Roosters will be harvested before they reach an age to crow.
2. Limit maximum to 200 chickens.

Motion passed by unanimous vote (PCR-18-014).

The fifth hearing, C-18-002 was a conditional use hearing filed by Prospector’s Alliance which if approved, would allow for the “Prospectors Loop” recreational ATV trail, class 1 and 2, and OHM trail using existing forest roads, routes, and trails (with 0.5 miles of new trail construction) within the townships of Fall Lake, Stony River, Crystal Bay and Beaver Bay. The Trail begins in the NE ¼ of the NE ¼ of Section 10, Township 59, Range 6, UT1, and ending in the SE ¼ of the SW ¼ of Section 30, Township 63, Range 11, Fall Lake Township.

Skala introduced the application. McCarthy summarized the staff report. There were 3 comments received in favor of the trail. One of these comments was received by Leroy Teschendorf, who was present at the meeting representing the Finland Snowmobile and ATV Club. Maxwell read his comment. Two comments
were received against; one comment was in favor as long as it is well constructed. Comments were also received by the DNR.

Maxwell summarized the comments received by the DNR. The DNR is asking for more time to fully review the application and make comments. There was an Environmental Assessment and review process completed in 2017 and approved. When the DNR began the wetlands review of this project they found there were inconsistencies, certain trail sections in the wetland review were not included in the EAW that had been approved. On April 17, 2018, there will be a meeting at 9:00 A.M. in Grand Rapids to determine if a new EAW needs to be completed. In attendance will be Maxwell, Nate Eide, Lake County Land Commissioner, DNR staff, and others that have been a part of this process.

Maxwell stated the staff recommendation is to table this application until the May 21, 2018 Planning Commission meeting. This will not be a delay to the project, as it will take at least a month for the wetland permitting process. Comments can be heard tonight. The decision to table will be legally noticed in the paper.

Linscheid asked where the new (0.5 mile) portion of the trail will be. Ron Potter, representing the application, explained it will be north of Wildhurst Resort, it is needed to minimize wetland impact. It is on County tax forfeit property.

Skala opened the meeting to comments; there were none.

Skala stated he heard comments from people wanting ATV’s out of the ditches. Teschendorf explained this trail project would help to do that.

There was general discussion regarding how the trails would be marked.

A motion was made by Bathke seconded by Hoops to table the hearing until the next meeting. Motion passed by unanimous vote.

The sixth hearing, C-18-007 was a conditional use hearing filed by Bryce and Judy Gregerson which if approved, would allow for a resort and bed and breakfast on property legally described as that part of SW1/4 of NW1/4 lying S & E of HWY 61 as described in book 45 of titles pg 88 in Section 23, Township 54, Range 9, 8.3 acres, zoned Residential-Commercial, 2-acre minimum, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report. There was no correspondence for this application.

Danielle and Nick Junjak, who are in the process of purchasing the property, represented the application. Danielle Junjak explained their plans are to rent one or 2 bedrooms out of the main home as a bed and breakfast and to rent the rooms in the inn and 2 cabins.

Sve stated this application is to clarify a previous Conditional Use Permit for this property. He also asked about the septic compliance status. Junjak stated money is being held in escrow for the septic.

Maxwell explained that by adding the language for a resort to this application, the Junjak’s can expand without having to apply for another CUP, they can do so administratively through Planning and Zoning.

There was general discussion regarding the definition of a resort versus a campground. If Junjak’s wanted to include RV or tent sites, that would require a new Conditional Use Permit to include a campground. McCarthy encouraged them to plan their new septic system to include room for expansion.

There were no comments from the public.

Motion by Hoops supported by Sve to approve the Conditional Use application as submitted with the following findings and conditions:

Findings:
1. Safe access, including a turn lane, from Hwy 61 and off-street parking exists.
2. The lot meets current stormwater standards.
3. The property is wooded with natural vegetation and has gentle slopes.
4. The business is not located on Lake Superior and all infrastructure is in place.
5. The property has a septic system and well, improvements are scheduled to take place in the septic system this summer. Money is in escrow to make these repairs.
6. Planning and Zoning has never received complaints regarding this business.
7. The proposed use is allowable under approved county guidelines.

Conditions:

The septic system is to be improved this summer.

Motion passed by unanimous vote. (PC-18-015)

Motion by Linscheid supported by Bathke to adjourn the meeting. Motion passed by unanimous vote. Meeting adjourned at 8:15 P.M.

Respectfully Submitted,

Christine McCarthy
Environmental Services Director